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NO. 8374 P. 1

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TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): **5**

TO: Attn.: Examiner Annette R. Reimers, Group Art Unit 3733
United States Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: Beth A. Vrioni, Sr. Counsel
Patent and Trademark Department
D-0377, AP6A-1
Telephone: (847) 938-7576

MESSAGE:

Applicants: Webb, et al.
Serial No.: 10/633,371
Filed: August 1, 2003
Title: SPINAL IMPLANT
Attorney Docket No.: 5259-14600US01

Enclosed herewith for the patent application identified above is the following:

1. Response to Restriction Requirement (2 Pages) in duplicate

If you did not receive all the pages or there is a problem with the fax, please call
Kim at (847) 937-6369

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NO. 8374 P. 2

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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Webb, et al.

Serial No.: 10/633,371

Filed: August 1, 2003

For: SPINAL IMPLANT

Attorney Docket No.: 5259-14600US01

Examiner: Annette R. Reimers

Group Art Unit: 3733

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MS Amendment
Commissioner for Patents
Attn: Examiner Annette R. Reimers
P.O. Box 1450
Alexandria, VA 22313-1450

Recipient Telefax Number: (571) 273-8300

Kimberly A. Iggo 5/10/06
Kimberly A. Iggo Date

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is in response to the Restriction Requirement mailed November 10, 2005, in the above-identified application. In the Office Action, the Examiner restricted the application to three designated inventions, namely the invention of Group I (Claims 1-58) drawn to a spinal implant, classified in class 623, subclass 17.11; Group II (Claims 74 and 88) drawn to a method of inserting a rasp in a disc space between vertebrae and inserting an implant, classified in class 606, subclass 85; and Group III (Claims 59, 75, and 86-87) drawn to an implant kit, classified in class 606, subclass 99. Applicants elect the invention designated as Group I, without traverse.

In addition, the Examiner has required restriction of the application to a single disclosed species. Applicants believe no species election is required because species and subspecies is directed at a "rasp" and "guide" respectfully.

Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

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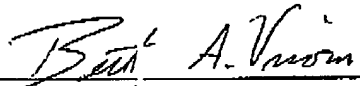
Application Serial No.: 10/633,371
Attorney Docket No.: 5259-14600US01
Response dated May 10, 2006
Reply to Restriction Requirement of November 10, 2005

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Should the Examiner have any questions concerning the above, he is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Webb, et al.

ABBOTT LABORATORIES
Customer No.: 23492
Telephone: (847) 938-7576
Facsimile: (847) 938-2623



Beth A. Vroni
Registration No. 39,869
Attorney for Applicants

MAY 10 2006

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Webb, et al.

Serial No.: 10/633,371

Filed: August 1, 2003

For: SPINAL IMPLANT

Attorney Docket No.: 5259-14600US01

Examiner: Annette R. Reimers

Group Art Unit: 3733

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Kimberly A. Iorio

Date

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NO. 8374 P. 5

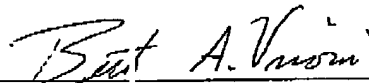
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